

In the United States Court of Federal Claims

AECOM ENERGY & CONSTRUCTION,
INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 20-2016 C
(Filed: October 18, 2023)

ORDER

This case arises out of two decisions denying AECOM's requests for payment under a contract to decontaminate and decommission a former nuclear experimental site. AECOM alleges that the government breached its contract, among other claims.

While discovery in this case began in July 2021, and document production meaningfully began in May 2022, collection was prolonged due to scope determination issues and technical issues. AECOM substantially completed its document production in September 2022, and by the beginning of this year, the parties resolved outstanding issues and reached agreement on the scope of government document collection. Since June of this year, the government has made substantial progress, providing large productions on a rolling basis. Unfortunately, by the August 2023 deadline set for substantial completion, documents from the Environmental Protection Agency and Department of Energy (including its Naval Reactors division) were still needed. Since then, parties have worked together, and the government has worked with the agencies, to address the hurdles impeding completion.

On October 10, 2023, the parties filed a joint status report updating the court on the status of document production, proposing a new deadline for the government's document production and a schedule for fact discovery, expert discovery, dispositive motions, and trial. ECF No. 34.

On October 17, 2023, the court held a conference to understand the ongoing delays in discovery and to discuss the parties' proposed schedule. In that conference, the parties agreed to a schedule for document production, fact discovery, and expert discovery. Both parties acknowledged that these dates would not be extended absent extraordinary circumstances and a showing of good cause. The parties also agreed to submit regular joint status reports and to hold settlement discussions.

Accordingly, the court issues the follow schedule:

Event	Deadline
Completion of government document production	January 10, 2024
Close of fact discovery	July 3, 2024
Joint status report due that updates the court on a first settlement discussion	July 15, 2024
Exchange of expert reports	August 30, 2024
Exchange of rebuttal expert reports	October 25, 2024
Close of expert discovery	December 20, 2024
<p>Joint status report due that (1) updates the court on a second settlement discussion, and (2) proposes a schedule for further proceedings.</p> <p>The dispositive-motion briefing schedule shall include four deadlines: (1) AECOM's affirmative motion; (2) the government's cross-motion and response; (3) AECOM's response and reply; and (4) the government's reply.</p>	January 3, 2025

The court further orders the parties to jointly submit a status report every 30 days, the first due on November 16, 2023, and the last due after the close of expert discovery, updating the court on the progress of discovery.

IT IS SO ORDERED.

s/ Molly R. Silfen
MOLLY R. SILFEN
Judge